

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Case No. 1:08-cr-55 |
| vs. |) | |
| |) | JUDGE COLLIER |
| DEMARCUS AKINS |) | MAGISTRATE JUDGE LEE |

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Two of the eighteen-count Third Superseding Indictment (2) accept Defendant's plea of guilty to Counts One and Two of the Third Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One and Two of the Third Superseding Indictment; and (4) find Defendant shall remain in custody until sentencing in this matter [Doc. 57]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 57] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One and Two of the Third Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One and Two of the Third Superseding Indictment is **ACCEPTED**;

- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One and Two of the Third Superseding Indictment;
- (4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **July 9, 2009 at 2:00 p.m. [EASTERN]** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE